

## REMARKS

Applicant wishes to bring to the Examiner's attention the following references cited in the corresponding Japanese application:

- GB 2219838 A discloses a pre-formed tube 10 or cover 24 that snap fits over a pipe.

A copy of the reference in English is attached.

- JP 10-89545. A copy of the reference is attached. No translation is available at this time.

- JP 61-68630. A copy of the reference is attached. No translation is available at this time.

- JP 2000-286565A discloses an aluminum plate and a resin layer joined via a nonwoven fabric. A copy of the reference is attached. No translation is available at this time, however Applicant has attached an English abstract.

- JP 11-307997 discloses a holder. A copy of the reference is attached. No translation is available at this time, however Applicant has attached an English abstract.

- JP 2001-280550A discloses a fire retarding division through member. A copy of the reference is attached. No translation is available at this time, however Applicant has attached an English abstract.

Consideration of the above references is respectfully requested.

Claims 1, 3, 4, 6, 7, 9 and 10 are in this application and are presented for consideration. By this Amendment, Applicant has amended claims 1, 6 and 7. Claims 2, 5 and 8 have been canceled. Specifically, claim 1 has been amended to include the features of canceled claims 2,

5 and 8. This combination of features has been found allowable in the corresponding Japanese application JP 2002-260195.

Applicant hereby elects claims 1-8, drawn to a fire protection zone penetrating member. However, Applicant respectfully traverses the requirement as the method involves creating a fire protection zone penetrating member having the particulars of the product. As such, it is believed that the method is not for use with a materially different product but instead requires particulars of the product as claimed in the product claims. Applicant respectfully requests consideration of all method claims and additionally requests examination of all claims in view of the close relationship between the method and product. Further, as a single search can be performed to consider all aspects of the invention and in view of the close relationship between the method and the product, consideration of all claims is believed to be proper.

Favorable consideration on the merits is requested.

Respectfully submitted  
for Applicant,



By: \_\_\_\_\_  
John James McGlew  
Registration No. 31,903  
McGLEW AND TUTTLE, P.C.

- and -



By: \_\_\_\_\_  
Brian M. Duncan  
Registration No. 58,505  
McGLEW AND TUTTLE, P.C.

Attached: PTO/SB/08a Form  
Six (6) References  
Three (3) English Abstracts

JJM:BMD  
71106-11

DATED: October 12, 2007  
BOX 9227 SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.